

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary/Minutes Agenda

April 28, 2015

7:00 P.M.

Call to Order - **Council President Garcia-Martinez called the meeting to order at 7:17 p.m.**

Roll Call-

- **Council Members Present:**

- **Council President Isis Garcia-Martinez**
- **Council Vice President Luis Gonzalez**
- **Councilman Jose Caragol**
- **Councilwoman Vivian Casáls-Muñoz**
- **Councilwoman Katharine Cue-Fuente**
- **Councilman Paul Hernandez**
- **Councilwoman Lourdes Lozano**

- **Also present were:**

- **Carlos Hernandez, Mayor**
- **Lorena Bravo, City Attorney**
- **Marbelys Fatjo, City Clerk**

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Council Vice President Luis Gonzalez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

The meeting guidelines were read into the record by the City Clerk in English and by Maricarmen Lopez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

- Dave Gatton of Dollarwise Mayors for Financial Literacy presents a check to the City of Hialeah for the Dollarwise Financial Literacy Grant presented to the City in recognition of the City's outstanding commitment to financial literacy and education.

- **PRESENTED**

- Mayor Hernandez presents Dave Gatton of Dollarwise Mayors for Financial Literacy with a Certificate of Appreciation.

- **PRESENTED**

- Mayor Hernandez presents a Certificate of Appreciation to the following for their cooperation in contributing to the Relay for Life cause:

- Christian Gonzalez
- Luis Michel Crespo Garcia
- Dianelys Gonzalez
- Yanelys Gonzalez
- Jesus Hechevarria
- Jessenia Hechevarria
- Amanda Lazo

- **PRESENTED**

- Dr. Ritesh Kaushal of Palmetto General Hospital addresses the Mayor and Council regarding the procedure being used at the hospital for critical stroke patients. (FIRE DEPT.)

- Patrick Flynn, Assistant Chief of Administration, Hialeah Fire Department, presents awards to the following Hialeah Fire Department employees for their participation in administering assistance to two patients on whom invasive surgery was performed on.

- **Lt. Craig Blum**
- **Firefighter Ivan Ivanoc**
- **Lt. Mike Trotta**
- **Lt. James Figueroa**
- **Firefighter Christopher Wydra**
- **Firefighter James Brown**

○ **PRESENTED**

1. Announcement of Amendments/Corrections to the Agenda –

- **Item L was withdrawn from today's agenda.**
- **Items N and O were added to the agenda.**
- **Item FD 1 needs be postponed until the City Council Meeting of May 12, 2015 because it needs to be advertised. The applicants were notified.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to approve the Consent Agenda, made by Councilwoman Cue-Fuente and seconded by Council Vice President Gonzalez. Motion passed (7-0).

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 14, 2015. (OFFICE OF THE CITY CLERK) **APPROVED (7-0).**
- B. Request permission to increase purchase order number 2015-1205, since it is advantageous to the City, issued to Marrero Group Builders, LLC, by an additional amount of \$7,500, for a new total cumulative amount not to exceed \$27,100. The City Council awarded this vendor with the Milander Recreation Center Renovation-Framing/Drywall & Acoustical Ceilings pursuant to Hialeah Bid # 2014/15-3230-00-23 on February 10, 2015. (DEPT. OF GRANTS & HUMAN SERVICES AND CONSTRUCTION & MAINTENANCE DEPT.) **APPROVED (7-0).**
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Max Services & Construction Corp., vendor providing the lowest quotation, for Keystone Columns at the Villa Aida Elderly Housing, in a total cumulative amount not to exceed \$25,900. (CONSTRUCTION & MAINTENANCE DEPT.) **APPROVED (7-0).**
- D. Proposed resolution ratifying and approving supplemental appropriations to the Annual Budget for fiscal year 2014-2015 and in particular, revising the budget to supplement revenues within the General Fund; within Special Revenue Funds in particular, CDBG Fund, Emergency Solutions Grant Fund, Home Fund, Park Grant/Impact Fee Fund, Police Grant Fund, SHIP Fund, CITT Surtax Fund, 21 Century Grant Fund, 21 Century Grant S.T.E.A.M. Fund, ECS and Library Grant Fund, and within Capital Fund, in particular Emergency Operation Center Fund, Parks Projects Fund, with corresponding balanced expenditures, in the amounts listed in Exhibit "1A". (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0). RESOLUTION NO. 2015-62.**

- E. Resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, in particular, Street Transportation Fund, E-911 Non Wireless Fund, Emergency Solutions Grant Fund, Fire Rescue Fund, and Building Fund, and within Enterprise Funds, in particular, Public Works Solid Waste Fund and Water & Sewers Fund, and all within Capital Funds, in particular HEA Charter School Expansion Fund, as summarized and itemized in the schedule attached as Exhibit “1B” and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0).**
RESOLUTION NO. 2015-63.
- F. Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures from one department to another within the General Fund; within the Special Revenue Funds; and in particular, the Streets Transportation Fund, E-911 Non-Wireless Fund, Fire Prevention Fund, Fire Rescue Transport Fund, Urban Area Security Grant Fund, Affordable Housing Fund, Hialeah Circulator Fund, 3-Cent Local Option Gas Tax Fund, ECS & Library Grants Fund and the Building Department Fund and within Enterprise Funds, in particular, and Stormwater Utility Fund, all as summarized and itemized in the schedule attached as Exhibit “1” and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0).**
RESOLUTION NO. 2015-64.
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest quotation, for the service of striping West 56 Street from West 20 Avenue to 26 Avenue, in a total cumulative amount not to exceed \$2,509.22. (STREETS DEPT.) **APPROVED (7-0).**
- H. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest quotation, for the service of striping West 60 Street from West 12 Avenue to 20 Avenue, in a total cumulative amount not to exceed \$26,850.30. (STREETS DEPT.) **APPROVED (7-0).**
- I. Request permission to waive competitive bidding and increase purchase order # 2015-836, since it is advantageous to the City, issued to General Asphalt Co., Inc., for the purchase of EZ Street hot asphalt material to be used throughout the year for emergency roadway repairs, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$40,000. (STREETS DEPT.) **APPROVED (7-0).**
- J. Request permission to issue a purchase order to The Corradino Group, Inc., one of the companies approved by the City Council on June 8, 2010 pursuant to Request for Qualifications 2009/10-9500-00-007 to provide engineering services to the City, for the design of parking improvements for West 68 Street Service Road from West 16 Avenue to West 19 Court, in a total cumulative amount not to exceed \$20,800. (STREETS DEPT.) **APPROVED (7-0).**
- K. Proposed resolution adopting the City of Hialeah Non-Discrimination Policy and Policy Notice in Compliance with Title II, a copy of which is attached as “Exhibit A”, reaffirming the City’s Policy of Non-Discrimination related to the City’s services, programs and

activities, and appointing the City Clerk as the City's ADA Coordinator. (ADMINISTRATION) **APPROVED (7-0). RESOLUTION NO. 2015-65.**

- ~~L. Proposed resolution authorizing the Insurance Committee to review and authorize settlement of claims, in an amount not to exceed three hundred thousand (\$300,000.00) dollars, in order to more efficiently administer the Self Insurance Program of the City of Hialeah. (RISK MANAGEMENT) **WITHDRAWN**~~
- M. Proposed resolution approving the Memorandum of Agreement between the City of Miami, as the sponsoring agency of the UASI Grant Program 2014, under the U.S. Department of Homeland Security's Urban Area Security Initiative (UASI), and the City of Hialeah, as participating agency; accepting the award of a sub-grant in the amount of \$410,000.00 for approved planning and equipment costs identified in the program budget; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the Memorandum of Agreement attached hereto, and made a part hereof as Exhibit "1", and any other documents in furtherance hereof. (FIRE DEPT.) **APPROVED (7-0). RESOLUTION NO. 2015-66.**
- N. Proposed resolution naming the members of the Planning and Zoning Board as the Healthier Hialeah Advisory Committee to assist the City of Hialeah make strategic decisions about the policies and objectives of the Complete Streets Project, make recommendations on program needs, policy changes and improvements to infrastructure and services with a focus on developing a city-wide comprehensive plan that will improve mobility, advocate the health benefits of an active lifestyle and that will positively impact the health and well-being of the residents of the City of Hialeah. (EDUCATION AND COMMUNITY SERVICES DEPT. & THE PLANNING AND ZONING DEPT.) **APPROVED (7-0). RESOLUTION NO. 2015-67.**
- O. Proposed resolution authorizing the purchase of a 2015 E-One 78-foot Custom Built Fire Apparatus on an E-One Typhoon Chassis and equipped as detailed in the Apparatus Component List attached as "Exhibit 1", from Hall-Mark Fire Apparatus, LLC, a Florida Limited Liability Company, having a principal place of business in Ocala, Florida, for a total amount not exceeding \$633,827.00; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to sign the Lease-Purchase Proposal from Lease 2, Inc., attached as "Exhibit 2", to negotiate the financing of the purchase price for a period of five years at 2.81 percent (2.81%) interest, more or less, with an annual payment of \$136,123.30, more or less; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute a Lease-Purchase Agreement or any other document necessary to effectuate the purchase on terms and conditions satisfactory to the City Attorney. (FIRE DEPT.) **APPROVED (7-0). RESOLUTION 2015-68.**
3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article II. Administration, Division 7. Zoning Changes, of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-195 entitled "Fees", increasing the application fees for amendments to the future land use map of the Hialeah Comprehensive Plan and Zoning Variances; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for

inclusion in the code; providing for an effective date. (ADMINISTRATION) **APPROVED (7-0). ORDINANCE NO. 2015-16.**

REPORT: Motion to approve Item 3, made by Council Vice President Gonzalez and seconded by Councilman Hernandez. Motion passed (7-0).

This item was approved by the City Council on second reading on April 28, 2015. Ordinance No. 2015-16.

Item was approved by the City Council on first reading on April 14, 2015.

4. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 3. R-1 One-Family District, of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-496 entitled "Primary Use", increasing the inspection fee to \$200.00 and the re-inspection fees to \$100.00 for second living quarters; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION) **APPROVED (7-0). ORDINANCE NO. 2015-17.**

REPORT: Motion to approve Item 4, made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. Motion passed (7-0).

This item was approved by the City Council on second reading on April 28, 2015. Ordinance No. 2015-17

Item was approved by the City Council on first reading on April 14, 2015.

5. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 1. Generally, of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-415 entitled "Certificate of Reoccupancy", increasing the inspection, re-inspection and extension fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION) **APPROVED (7-0). ORDINANCE NO. 2015-18.**

REPORT: Motion to approve Item 5, made by Councilman Caragol and seconded by Councilwoman Cue-Fuente. Motion passed (7-0).

This item was approved by the City Council on second reading on April 28, 2015. Ordinance No. 2015-18

Item was approved by the City Council on first reading on April 14, 2015.

6. Second reading and public hearing of proposed ordinance delegating the authority to act in the capacity of Certifying Officer, as that term is defined by 24 C.F.R. §58.2(a)(2), and Responsible Federal Official, as that term is used in §102 of the National Environmental

Policy Act of 1969 (NEPA), as amended, and as used in all other applicable federal statutes and authorities that allow responsible entities receiving federal funds for specific federal grant programs to assume the obligations for environmental review, decision-making and action, otherwise applicable to the U.S. Department of Housing and Urban Development (HUD), on behalf of the City of Hialeah, to the Director of Grants and Human Services Department, in the Mayor's stead during the Mayor's absence, as his designee, which authority and responsibility to act shall include carrying out and certifying compliance with the provisions of NEPA, as amended, its related federal regulations, 24 C.F.R. Part 58, including all federal authorities listed in 24 C.F.R §58.5, executing requests and certifications for release of funds, and conceding to the jurisdiction of and representing the City of Hialeah before federal courts; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0). ORDINANCE NO. 2015-19.**

REPORT: Motion to approve Item 6, made by Councilman Caragol and seconded by Councilman Hernandez. Motion passed (7-0).

This item was approved by the City Council on second reading on April 28, 2015. Ordinance No. 2015-19

Item was approved by the City Council on first reading on April 14, 2015.

7. First reading of proposed ordinance setting the election date for the General Election for the year 2015 for the date of Tuesday, November 17, 2015 for the Offices of the City Council whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0). Second reading is scheduled for May 12, 2015**

REPORT: Motion to approve Item 7, made by Councilman Hernandez and seconded by Councilwoman Cue-Feunte. Motion passed (7-0).

8. First reading of proposed ordinance providing for a Primary Election to be held on Tuesday, November 3, 2015 and a General Election to be held on Tuesday, November 17, 2015; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0). Second reading is scheduled for May 12, 2015.**

REPORT: Motion to approve Item 8, made by Councilwoman Casáls-Muñoz and seconded By Council Vice President Gonzalez. Motion passed (7-0).

9. Board Appointments –

- a. Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on May 31, 2015 and ending on May 31, 2016, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (MAYOR) **APPROVED (7-0). RESOLUTION NO. 2015-69.**

REPORT: Motion to approve Item 9a, made by Councilwoman Cue-Fuente and seconded by Councilman Hernandez. Motion passed (7-0).

10. Unfinished Business – NONE**11. New Business –**

REPORT: Mayor addressed the status of items before the legislature, the construction of the Hialeah Educational Academy, the grand opening of the Emergency Operations Center, the unveiling of the Milander Center Sculptures, National Prayer Day and the Hialeah Police Department Memorial Ceremony.

12. Comments and Questions – NONE

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING**FINAL DECISION**

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-2 that granted adjustments on property located at **1252 West 78 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Livan Chirino and Yudinaivys Borges*) **ITEM POSTPONED UNTIL MAY 12, 2015.**

REPORT: Motion to Table Item FD 1, made by Council Vice President Gonzalez and seconded by Councilman Hernandez. Motion passed (7-0).

CITY INITIATED LAND USE AMENDMENTS

- LU 1. Public hearing of proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, expressing its intent to adopt a text amendment to the Future Land Use

Element of the Hialeah, Fla., Comprehensive Land Use Plan (2003-2015) to include a new Transit Oriented Development Future Land Use District, which was presented to the City Council at a meeting on April 28, 2015; and providing for an effective date. (*Applicant: City of Hialeah*) **ITEM POSTPONED UNTIL MAY 12, 2015.**

REPORT: Motion to Table Item LU 1, made by Council Vice President Gonzalez and seconded by Councilwoman Casáls-Muñoz. Motion passed (7-0).

This item was approved by the Planning and Zoning Board on April 22, 2015.

NEXT CITY COUNCIL MEETING: Tuesday, May 12, 2015 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 26, 2015 at 6:30 p.m.

REPORT: The meeting was adjourned by Council President Garcia-Martinez at 8:05 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).